

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL L. HARDY and
CHRISTOPHER HARDY,

Case No. 14-11438

Plaintiffs,

v.

Hon. John Corbett O'Meara

WESTLAND POLICE OFFICER
STEPHANIE PELOW, *et al.*,

Defendants.

ORDER OF PARTIAL REMAND

On April 8, 2014, Defendants filed their petition for removal in this action, based upon federal question jurisdiction. Plaintiff's complaint alleges the following causes of action: Count I, violations of 42 U.S.C. § 1983; Count II, assault and battery; and Count III, gross negligence.

Although Count I is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claims so as to avoid jury confusion. See 28 U.S.C. § 1337(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Counts II and III of Plaintiff's

complaint are REMANDED to Wayne County Circuit Court.

s/John Corbett O'Meara
United States District Judge

Date: April 25, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, April 25, 2014, using the ECF system.

s/William Barkholz
Case Manager